

### **REMARKS**

The Official Action mailed August 25, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 12, 2000; June 17, 2002; July 17, 2002; August 14, 2002; January 27, 2003; August 21, 2003; June 1, 2004; November 26, 2004; December 17, 2004; and May 25, 2005.

Regarding the partial consideration of the Information Disclosure Statement filed on December 8, 2003, the Applicants respectfully submit that copies of Takada, et al., Proceedings Of 46<sup>th</sup> Spring Meetings Of The Society For Applied Physics Of Japan, 28p-V-8, Page 1316, and Yoshihara, EKISHO, Vol. 3, No. 3, pp. 190-194, were submitted with the Information Disclosure Statement filed December 8, 2003. However, the Official Action states that "the references that were crossed out on that IDS because they were not provided in the application" (page 6, Paper No. 08182005). Apparently, copies of the Takada and Ekisho articles were not scanned into the Image File Wrapper. As a courtesy to the Examiner, the Applicants resubmit herewith a copy of page 3 of 3 of the Form PTO 1449 and copies of the Takada and Ekisho articles from the Information Disclosure Statement filed on December 8, 2003. It is respectfully submitted that the Takada and Ekisho articles were properly filed on December 8, 2003, and should be accorded their filing date for the purposes of consideration and compliance with 37 CFR §§ 1.97 and 1.98. The Applicants respectfully request that the Examiner provide an initialed copy of the attached Form PTO-1449 evidencing consideration of the Takada and Ekisho articles.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.



Claims 1-14, 25-38 and 51-64 are pending in the present application, of which claims 1, 2, 25, 26, 51 and 52 are independent. Independent claims 1 and 2 have been amended to better recite the features of the present invention. The Applicants note with appreciation the indication of the allowability of dependent claims 2, 3, 7, 8, 11 and 12 and the allowance of claims 25-38 and 51-64 (page 4, Paper No. 08182005). For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 continues to request the Applicant's cooperation "in correcting any errors of which applicant may become aware in the specification" (page 2, *Id.*). It is noted that the Applicants corrected the specification in the *Amendment* filed May 25, 2005. The Applicants will correct any further errors in the specification of which the Applicants become aware.

Paragraph 4 of the Official Action rejects claims 1, 2, 5, 6, 9, 10, 13 and 14 as anticipated by U.S. Patent No. 6,501,098 to Yamazaki. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 2 have been amended to recite a protecting film in contact with a gate insulating layer and a second conductive film, which is supported in the specification, for example, by Figure 3D. The Applicants respectfully submit that Yamazaki '098 does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Yamazaki '098 does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained.



Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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